

Rules of
Department of Social Services
Division 40—Division of Family Services
Chapter 72—Group Home Facilities

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**Title 13—DEPARTMENT OF
SOCIAL SERVICES**

**Division 40—Division of Family Services
Chapter 72—Group Home Facilities**

**13 CSR 40-72.010 Group Homes Offering
Residential Care**

PURPOSE: Section 210.246, RSMo makes it unlawful for any person to establish or operate a residential care facility without having in full force a written license granted by the Missouri Division of Family Services. This rule establishes requirements which a group home must meet in order to qualify for a license. Group homes are small residential programs caring for twelve or less children.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.

(1) Legal Basis for Licensing. The Division of Family Services has responsibility for licensing those persons offering care to groups of children. The primary purpose of licensure is the protection of children. Sections 210.481–210.536, RSMo provide for the defining, licensing, inspection and regulation of group care for children. The law directs the division to publish rules for the licensing of residential facilities and to assist the agencies, groups or individuals subject to licensing in meeting these requirements for group child care.

(A) Definitions.

1. Child means an individual who is under the age of eighteen (18) and the word children means more than one (1) such individual.

2. Person is any individual, corporation, partnership, association, firm, agency or institution acting in concert regardless of the name used.

3. Director is the director of the Division of Family Services.

4. Division is the Division of Family Services.

5. License is a legal document issued for a maximum of two (2) years to a person authorizing him/her to provide care for children, subject to his/her compliance with the law and applicable rules published by the division.

6. Provisional license means the nonrenewable legal document issued by the division, for a maximum of six (6) months, to a group home which is not currently meeting requirements for full licensure in accordance with sections 210.481–210.536, RSMo and applicable rules promulgated and issued by the division.

7. Foster parent(s) are individuals who provide twenty-four (24)-hour care in their home to a group of children not related to them by blood, marriage or adoption.

8. Child care staff means persons employed to provide care and supervision for the children in the group home.

9. Staff means full- and part-time employees other than foster parents and child care staff.

10. Well-known religious order, church and religious organization are defined as follows:

A. A church, synagogue or mosque;

B. An entity that would qualify for federal tax exempt status as a not-for-profit religious organization under Section 501(c) of the Internal Revenue Code of 1954; or

C. An entity where the real property on which the child care facility is located is exempt from local taxation because it is used for religious purposes.

11. Types of care are—

A. Foster family group home. A private home of foster parents who provide twenty-four (24)-hour care for seven to twelve (7–12) children under the custody and supervision of the division only. This type of care is not recommended for any child under the age of six (6) years;

B. Independent foster family group home. A private home, independent of any agency auspices, of foster parents who provide twenty-four (24)-hour care for seven to twelve (7–12) children in the custody of parents, relatives, guardian or agencies. This type of care is not recommended for any child under the age of six (6) years;

C. Satellite group home. A group home operated by a licensed child caring or child placing agency in a single dwelling or apartment owned, rented or leased by the agency. Child care staff are employed by the parent agency to provide twenty-four (24)-hour care for twelve (12) children or less. This type of care is not recommended for any child under the age of six (6) years; and

D. Independent group home. A group home privately operated by a person in a single dwelling or apartment which is owned, rented or leased by the person. Child care staff are employed to provide twenty-four (24)-hour care for twelve (12) children or less. This type of care is not recommended for any child under the age of six (6) years.

(B) When a nonreligious organization, having as its principal purpose the provision of child care services, enters into an arrangement with a religious organization to provide continuing assistance in the maintenance or operation of a child care facility, the facility is not under the exclusive control of the religious organization and does not qualify for exemption from licensure under sections 210.211(5) or 210.516.1(5).

(2) Rules for Foster Family and Independent Foster Family Group Homes.

(A) Basic Requirements for Foster Families.

1. Foster parents shall have personal characteristics and have experienced relationships which will make it possible for them to perform the responsibilities entailed in caring for children. Foster parents shall be individuals who demonstrate affection, an ability to care for children and to be responsive to their needs, who can enjoy being foster parents; who can accept the individuality of each child; who give of themselves without expecting immediate returns; who have satisfactory interpersonal relationships; who have emotional stability and are able to function in relation to family responsibilities and employment; who have maturity and good physical health to enable them to provide appropriate care for children; who have a reputable character, values and ethical standards conducive to the well-being of children; who show flexibility in their ability to change their expectations, attitudes and behavior in relation to the needs and problems of children; who show ability to help in meeting problems of family living; to recognize the need for and who have the ability to accept a child's relationship with his/her parents or a social agency or both.

2. The foster parent-child ratio shall be at least one to six (1:6).

3. Relationships between all members of the foster family shall be such as to assure a favorable influence and atmosphere for the children accepted for care.

4. There shall be agreement among the members of the foster family as to the advisability of the sharing of their home for twenty-four (24)-hour care with a group of children not related to the family.

5. The foster family shall be economically self-sufficient.

6. At least three (3) nonrelated references shall attest to the characteristics, motivations and abilities of the foster family offering twenty-four (24)-hour care to children.

7. Health of foster family group home members.

A. All members of the foster family and employed staff shall pass a complete physical examination within six (6) months prior to application. Their physician shall provide a statement that each employee or member of the family is free from communicable disease. A tuberculin test and/or chest X ray shall be completed if recommended by the physician.

B. All members of the foster family and employed staff must be determined by a physician to be in good physical and mental health. The licensing agency shall review the examination reports.

C. After initial licensure, a physical examination is required every two (2) years. If the licensing agency has reason to question the physical or mental health of any member of the foster family or employed staff, the agency may require a mental or physical examination more frequently.

8. A foster family shall care for a maximum of twelve (12) children, including any children of the foster family. The number of children in residence at any given time shall not exceed the number for which it is licensed.

9. At least one (1) foster parent shall not be gainfully employed.

(B) Care of the Child in the Group Home.

1. Provision for any indicated services shall be made available to the children in the group home. Services include: family counseling; preventive and therapeutic medical services; psychological services; psychiatric services; remedial education; vocational counseling; recreation; and any other indicated social services.

2. Physical care.

A. Responsibility for medical and dental care shall be negotiated between the placing agency and group facility before admission of the child to the group facility.

(I) Provision shall be made for the services of licensed physician.

(II) Provision shall be made for hospital care when recommended by a physician.

(III) Provision shall be made for the correction or treatment of all remedial defects.

(IV) Children shall have a complete physical examination, including any necessary tests or inoculations, immediately before

admission and at least annually thereafter. Results of the physical examinations shall be on file in the group home.

(V) Children shall have annual dental examinations and any necessary correction of teeth or mouth shall be begun.

(VI) First-aid equipment shall be readily available and foster parents shall be knowledgeable of its use.

B. Hygiene. A routine shall be established to insure good hygiene.

C. Nutrition.

(I) Food of good quality and quantity shall be served and meet Department of Health's dietary standards.

(II) All foods shall be from sources approved by the Department of Health. All milk shall be pasteurized.

(III) Nourishing between meal snacks shall be provided and may be part of the daily food needs.

(IV) A regular meal schedule shall be established.

(V) At all times food shall be prepared, served and stored under the conditions acceptable to Department of Health's rules.

D. Clothing.

(I) Clothing provided to children shall be of good quality and quantity.

(II) Clothing worn by children in group homes shall be similar to that worn by children in average homes in the community.

(III) Children should be allowed to participate in the selection of their own clothing.

3. Education.

A. The group home shall observe the legal requirements regarding school attendance and child labor.

B. Educational experience or appropriate training opportunities, or both, shall be made available to all children in group homes.

4. Moral and religious training. Children shall be given the opportunity to attend the church of their choice, subject to parental approval of the biological parents.

5. Discipline.

A. Discipline shall be used in a constructive, fair and consistent manner.

B. All discipline shall be reasonable and related to the individual needs and behavior of the child.

C. No cruel or unusual forms of punishment shall be used; for example, no child shall be confined in any dark spaces.

D. Corporal punishment shall be not used.

E. Children shall not be deprived of meals as punishment.

6. Recreation and leisure. The group home shall provide for leisure time programs and activities.

7. Earning and spending money.

A. Children shall be provided with opportunities for experience in earning or spending money or both based on age and individual requirements.

B. Allowances shall be provided when opportunities to earn money are not available.

8. Supervision.

A. Adult supervision shall be available at all times. When there are more than six (6) children in residence with only one (1) foster parent, there shall be a plan for an assistant to be on call if there is an emergency.

B. It is recommended that the foster parents provide for relief help in order that they may have some time away from the children and for themselves alone. Meeting the constant demands in daily care in a group of children can be an exhausting and exacting business. Time off allows for rest and the ability to remain alert and responsive.

9. Transportation. If children are transported in the foster family car, provision shall be made for proper insurance coverage. Safety locks on doors and a seat belt for each child should be provided.

(C) Physical Facility.

1. General requirements.

A. The group home shall be in a neighborhood that is readily accessible to school, recreational, religious and other community resources. Suitable indoor and outdoor play space shall be available to children of the appropriate age.

B. All buildings and immediate surroundings used in whole or in part as a group home shall comply with all applicable state and local building, sanitation, zoning, fire and safety regulations.

C. The group home shall be large enough to provide living accommodations for all residents and shall be suitably furnished and equipped.

D. The group home shall be kept in sanitary condition and good repair.

E. Safe water supply and sewage facilities shall be provided and shall comply with Department of Health's requirements.

F. The home shall be effectively safeguarded against insects and rodents.

G. Heating, electrical, ventilating and other mechanical systems, home appliances and outlets shall be designed and maintained so that under normal conditions of use danger to the health and safety of the children from that equipment will be held to a minimum.

H. All rooms shall be well-lighted and ventilated.

I. There shall be a minimum of two (2) toilets for the children and one (1) tub or shower for each six (6) children. Separate bathing and toilet facilities should be provided for boys and girls where practical.

J. Dining facilities shall be provided with space and equipment to serve all residents at the same time.

K. The kitchen shall be equipped to provide for food preparation, storage and service.

L. A telephone shall be provided with emergency instructions posted nearby for fire, police and medical assistance.

M. The foster family shall have a plan for evacuation of the group home in case of fire. Written instructions for evacuation should be posted in a conspicuous place and fire drills shall be held monthly to assure efficient evacuation of the facility in case of emergency. Children shall be instructed in the evacuation plan at time of admission.

2. Sleeping rooms.

A. Children of different sex shall not sleep in the same room.

B. All sleeping rooms shall be outside rooms and shall be above the lowest level of the ground.

C. Each child shall have a separate bed with a space of at least three feet (3') on all sides of the bed except where it touches the wall.

D. Third floor level sleeping quarters shall be prohibited.

E. Sleeping rooms shall be so located that night supervision will be available at all times.

F. Separate, accessible drawer space for personal belongings and closet space for clothing shall be available for each child.

(D) Records and Reports.

1. Records shall be kept to identify each child and to enable communication with the parents or person responsible for the child in the foster family group home and in an emergency situation. These shall include: child's name, birth date and the date of admission; full name of both parents, or person or agency responsible for the child, family's home address, work addresses, hours of work and telephone numbers; a written plan which outlines the steps necessary to obtain emergency care for the child and a written consent from the parent, person or agency responsible for the child giving permission to proceed with any routine and ordinary medical care; instructions for reaching the parent(s), guardian or agency; name, address and telephone number of the child's or family's physician or both; financial arrangements with the parents or others, including the rate of pay for care; record of all physical exami-

nations, immunizations and other pertinent health information; record of any accidents, illnesses or unusual situation.

2. Reports to the division shall be submitted as required.

(3) Rules for Independent and Satellite Group Homes.

(A) Incorporation and Bylaws. The group home or its parent body shall be incorporated. Bylaws shall be written and usually include the following:

1. General function of the organization as stated in the articles of incorporation;

2. Frequency, time and place of meetings, requirements regarding board members' attendance at meetings and number necessary for a quorum;

3. Size, selection, duties and organization of the board of directors;

4. Appointment and duties of committees and staff; and

5. Provision for changes in the bylaws.

(B) The Board of Directors.

1. Every independent group home or parent agency of a satellite group home shall have a governing board which is representative of the community. The sources of an independent group home or satellite group home's financing, the geographical area it encompasses and the groups that it serves determine to some extent the desirable composition of its board.

2. The board shall meet as often as necessary to conduct the business of the agency, but at least three (3) times annually.

3. Functions of the board shall include:

A. Selection and appointment of a well-qualified administrator to provide a program for children according to policies set forth by the board.

B. Responsibility for funding a quality program;

C. Responsibility for formulating and reviewing the general program plans and policies of the group home: operating procedures such as intake, release and day-to-day operations of the group home; job descriptions and responsibilities of all staff; personnel policies which include action to be taken regarding hiring, suspension, termination and any appeal procedures available; and

D. Good public relations through presentation and interpretation of the group home's services.

(C) Finances.

1. There shall be financial resources which will provide a quality program of services for the group home.

2. Annual financial statements prepared by a certified public accountant shall be made available to the division upon request. The

division shall hold all these statements confidential.

3. A budgetary estimate for each year shall be prepared and approved by the board before the beginning of each year.

(D) Personnel and Personnel Practices. Administration shall establish personnel policies and practices in compliance with the following guidelines:

1. Administrator or project director. When an administrator or project director is appointed by the board of directors, s/he shall—

A. Be qualified by education, training or experience or both in the child care field;

B. Have administrative ability and be in full charge of management of the group home in accordance with policies and procedures established by the board;

C. Be a person of sound judgment;

D. Be temperamentally adapted to work with children;

E. Attend board meetings, participate in the formulation of policies and procedures and make reports regularly to the board;

F. Assume responsibility for interpretation to the board of all appropriate state laws and rules for child caring facilities;

G. Provide opportunity for the continued education and professional growth of staff; and

H. Be responsible for establishing and maintaining good working relationships with other social agencies and, along with the board members, provide interpretation of the group home's program to the community;

2. Social work staff.

A. The group home or parent agency shall have the responsibility to see that social services are provided to each child in care and his/her family.

B. If a social worker is employed by the group home, s/he, as a minimum, shall have graduated from an accredited four (4)-year college or university. Supervision or consultation shall be provided by an individual who has achieved a graduate degree in social work or related behavioral sciences;

3. Child care staff. In the recruitment and selection of child care staff, careful consideration shall be given to the implications of having staff's biological children living in the group home.

A. Desirable qualifications are—a genuine liking for young people and some understanding of their problems; practical experience in working with children; the ability to give of themselves without demanding a warm response from the children; good physical health with no disqualifying physical or mental handicaps; emotional maturity; flexibility; a sense of humor; commitment to

helping problem youth; the ability to tolerate demanding and sometimes annoying behavior; the ability to set limits and have reasonable expectations of the children; the ability to work with the administrator or project director and other staff members to understand and evaluate the children to make plans for the child's treatment or living program, and to carry out these plans; and the ability to communicate effectively with the children's parents and community groups.

B. Child care staff shall be at least twenty-one (21) years of age.

C. Child care staff shall have at least two (2) work days off during each seven (7)-day period;

4. Staff/child ratio. Provision shall be made for no less than one (1) staff member for each six (6) children in care and for at least one (1) adult to be available at all times;

5. Staff development.

A. Regularly scheduled inservice training sessions shall be established for staff and volunteers.

B. Additional learning experiences should be made available through various resources such as workshops, seminars and child care associations;

6. Personnel policies and records.

A. Written minimum qualifications as outlined in subsection (3)(D) for each staff position shall be established and maintained on file.

B. Each staff member shall receive a written job description.

C. Personnel records shall be maintained on each staff member and shall include job application; reports from references and former employer; the required annual health report; and an annual evaluation prepared by the immediate supervisor;

7. Volunteers.

A. Services to be provided by the volunteers shall be specifically defined.

B. Volunteers shall receive training and supervision from a qualified staff member; and

8. Health requirements for staff.

A. Any person who is suffering from a communicable disease shall not be employed.

B. All staff members having direct contact with children shall have a physical examination before employment and annually thereafter. A statement regarding the health status of each such employee shall be signed by a licensed physician and be on file.

C. Each staff member shall have a yearly tuberculin skin or chest X ray, tests for venereal diseases and any other indicated laboratory procedures.

(E) Program.

1. Intake policies.

A. Intake policies and procedures shall be written and shall include acceptable referral sources, admission criteria and other forms or reports necessary before a child is considered for placement. Admission procedures, policies and planning shall include preparation of the child and parents as appropriate with preadmission visits planned for both parent and child whenever possible.

B. The division shall review the criteria for admission for its appropriateness to the program of the group home.

C. Criteria for admission to a group home shall include the following:

(I) The appropriate age range and sex for the facility in question;

(II) Able to benefit from and contribute to a group living experience;

(III) Able to attend school or be employed in the community, able to utilize community resources and to move about the community freely with a minimum of supervision;

(IV) Preschool age children shall not be admitted except on an emergency basis not to exceed a period of thirty (30) days, unless the children are members of a sibling group and it is considered to be in their best interest to remain together.

D. The number of children in residence at any given time shall not exceed the number for which the facility is licensed.

E. Written provision for medical care shall be required from the person legally responsible for the child.

F. Visitation policy shall be clearly written and available to both parent and child before or at time of admission.

G. Information shall not be released on the child without permission from the person legally responsible for the child.

2. Plan of services for the child and family. The group home shall collaborate with the child, parent, referring agency or parent agency in preparing a written plan for services for the child and family. This plan for services shall include:

A. A statement of goals and objectives for providing services to the child and family including social work services on a regular basis for each child; responsibilities assumed by parents, agency and court and tentative plans for discharge;

B. Provision for services needed by the child and family where indicated including: family counseling; preventive and therapeutic medical services; psychological services; psychiatric services; remedial education; vocational counseling, recreation; and any other indicated social services;

C. Regular review of plans for the services for the child and family at least every six (6) months;

D. Release of a child shall be part of a well-planned, individualized program with the decision being made in a conference with appropriate staff or other group home representative, the referring or parent agency and the child's family; and

E. The group home should make arrangement with the referring agency to assure aftercare services to the child in his/her new environment.

3. Records and reports.

A. Care records.

(I) Every group home shall keep on file a record of each child's birth date, correct name, names of parents and relatives and name of the contact person with the referring agency.

(II) The record shall also provide a health history of the child, including immunizations and an account of any illness or injury suffered while in care of the group home.

(III) The record shall include a statement regarding plan of services for the child and his/her family.

(IV) There shall be a school record.

(V) There shall be information in the record concerning the child's release. This should include the date of discharge, the name, address and relationship of the person(s) taking him/her and the circumstances of release.

(VI) The records shall be confidential.

B. Every group home shall keep accurate listings of children in care and statistical reports that give the complete scope of the services provided.

C. All records and reports shall be available upon request to any authorized licensing agent of the division. Records may be destroyed three (3) years after the date of the child's discharge.

(F) Care in the Group Home.

1. Physical care.

A. Responsibility for medical and dental care shall be negotiated between the placing agency and group facility before admission of the child to the group facility.

(I) Provision shall be made for the services of a qualified physician licensed in the state of Missouri.

(II) Provision shall be made for hospital care when recommended by a physician.

(III) Provision shall be made for the correction or treatment for remediation of defects.

(IV) Provision shall be made for a physical examination, tests or inoculations for each child immediately before admission and at least annually thereafter. Results of the physical examination shall be on record in the group home for these children and for any child placed by a parent agency.

(V) Provision shall be made for an annual dental examination for each child.

(VI) First-aid equipment shall be readily available and child care and other staff shall be knowledgeable of its use.

(VII) Health education and preventative medical care should be a major part of the health services.

B. Hygiene. A routine shall be established to insure good personnel hygiene.

C. Nutrition.

(I) Food of good quality shall be served and meet Department of Health's standards.

(II) All foods shall be from sources approved by the Department of Health. All milk shall be pasteurized.

(III) Nourishing between-meal snacks shall be provided and may be part of the daily food needs.

(IV) A regular meal schedule shall be established.

(V) At all times food shall be prepared, served and stored under conditions acceptable to Department of Health's rules.

D. Clothing.

(I) Clothing provided to children shall be of good quality and quantity.

(II) Clothing shall be similar to that worn by children in average homes in the community.

(III) Children should be allowed to participate in the selection of their own clothing.

2. Education.

A. The group home shall observe the legal requirements regarding school attendance and child labor.

B. Educational experience or appropriate training opportunities or both shall be made available.

3. Moral and religious training. Children shall be given the opportunity to attend the church of their choice, subject to parental approval.

4. Discipline.

A. Discipline shall be used in a constructive, fair and consistent manner.

B. All discipline shall be reasonable and related to the individual needs of the child.

C. No cruel or unusual forms of punishment shall be used, for example, no child shall be confined in any dark spaces.

D. Corporal punishment shall not be used.

E. Children shall not be deprived of meals as punishment.

5. Recreation and leisure. The group home shall provide leisure time activities.

6. Earning and spending money.

A. Children shall be provided with opportunities for experience in earning or spending money or both based on age and individual requirements.

B. Allowances shall be provided when opportunities to earn money are not available.

(G) Physical Facility.

1. General requirements.

A. The group home shall be in a neighborhood that is readily accessible to school, recreational, religious and other community resources.

B. All buildings and immediate surroundings used in whole or in part as a group home shall comply with all applicable state and local building, sanitation, zoning, fire and safety regulations.

C. The facility shall be of a size to provide living accommodations for all residents, including separate and comfortable quarters for child care staff. The facility shall be suitably furnished and equipped.

D. The facility shall be kept in sanitary condition and good repair.

E. Safe water supply and sewage facilities shall be provided and shall comply with Department of Health's requirements.

F. The home shall be effectively safeguarded against insects and rodents.

G. Heating, electrical, ventilating and other mechanical systems, home appliances and outlets shall be designed and maintained so that under normal conditions of use, danger to the health and safety of the children from that equipment will be held to a minimum.

H. All rooms shall be well-lighted and ventilated.

I. There shall be minimum of one (1) toilet for every four (4) children and one (1) tub or shower for each six (6) children. Separate bathing and toilet facilities should be provided for boys and girls where practical. There should also be separate toilet facilities for child care staff.

J. Dining facilities shall be provided with space and equipment to serve all residents.

K. The kitchen shall be equipped to provide for food preparation, storage and service.

L. A telephone shall be provided with emergency instructions posted nearby for fire, police and medical assistance.

M. Written fire drill procedures should be posted in a conspicuous place. Fire drills shall be held monthly. Children shall be instructed in the evacuation plan at time of admission.

2. Sleeping rooms.

A. Children of different sex shall not sleep in the same room.

B. All sleeping rooms shall be outside rooms and shall be above the lowest level of the ground.

C. Each child shall have a separate bed with a space of at least three feet (3') on all sides of the bed except where it touches the wall.

D. Third floor level sleeping quarters shall be prohibited.

E. Sleeping rooms shall be so located that night supervision will be available at all times.

F. Separate, accessible drawer space for personal belongings and closet space for clothing shall be available for each child.

(H) Hearing and Judicial Review.

1. Entitlement to a hearing and review.

Any person or organization aggrieved by a final decision of the division with regard to the license issuance, license revocation or license denial shall be entitled to a hearing and review by the director or his/her designee.

2. Written notice and request for hearing. Ten (10) days' written notice, specifying reason for proposed revocation shall be given an agency before a revocation occurs. If a request for a hearing, either written or verbal is received within the ten (10)-day period, revocation shall not occur until the decision of the director is issued.

3. Appeal of administrative decision. Any agency wishing to appeal the administrative decision of the director shall be entitled to judicial review as provided in Chapter 536, RSMo.

AUTHORITY: sections 210.481-210.536, RSMo 1986. Original rule filed Dec. 17, 1975, effective Dec. 27, 1975. Refiled: March 12, 1976. Amended: Filed Oct. 13, 1982, effective Jan. 13, 1983. Amended: Filed Oct. 7, 1987, effective March 25, 1988. Amended: Filed Sept. 11, 1989, effective Dec. 28, 1989.*

**Original authority: 210.481-210.536, see Missouri Revised Statutes.*